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PATENTS
TT-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Gregory W. Haggquist et al.
Application No. : 09/864,348 Confirmation No. : 4568
Filed : May 23, 2001
For : WOVEN MATERIALS WITH INCORPORATED
SOLIDS AND PROCESSES FOR THE
PRODUCTION THEREOF
Group Art Unit : 1771
Examiner : Not yet known

New York, New York 10020
April 3, 2003

BOX DAC
Hon. Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b,f), applicants hereby petition for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing and applicants unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

37 C.F.R. § 1.137(b)(1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing.

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37 C.F.R. § 1.137(b)(2)

A check in the amount of \$1,300.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or the credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b)(3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicants filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on May 14, 2002, prior to the earliest foreign filing (May 21, 2002) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicants understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned yesterday that the Patent and Trademark Office had changed its form for rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed has been filed in a foreign country

that publishes applications after eighteen months. In view of that interpretation, applicants in an abundance of caution have prepared and are filing this Petition immediately.

Request for Retroactive Effect

Applicants further respectfully request that revival of the above-identified patent application be granted retroactively to July 5, 2002, the date that is forty-five days after the earliest foreign filing.

Conclusion

Prompt grant of this petition is respectfully requested.

I hereby certify that this
correspondence is being deposited
with the United States Postal Service
as first class mail in an envelope
addressed to:
Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202
on April 3, 2003

Lillian Garcia

Name of Person Signing Certificate

Lillian Garcia

Signature of Person Signing Certificate

Apr. 13, 2003

Date of Signature

Respectfully submitted,

Andrew Van Court

Andrew Van Court

Registration No. 48,506

Agent for Applicants

FISH & NEAVE

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020-1105

Tel.: (212) 596-9000

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37 C.F.R. § 1.137(b)(1)

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37 C.F.R. § 1.137(b) (2)

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37 C.F.R. § 1.137(b) (3)

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on April 3, 2003

Lillian Garcia
Name of Person Signing Certificate

Lillian Garcia
Signature of Person Signing Certificate

April 3, 2003
Date of Signature

Respectfully submitted,

Andrew Van Court
Andrew Van Court
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Arlington, VA 22202

NOTIFICATION UNDER 37 C.F.R. § 1.213(c)
OF FOREIGN FILING OF PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.213(c), applicants hereby notify the Patent and Trademark Office that the above-identified patent application was filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

The earliest such filing occurred on May 21, 2002, which is more than forty-five days prior to this notification. A petition under 37 C.F.R. § 1.137(b,f) to

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revive this application is being filed concurrently
herewith.

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Name of Person Signing Certificate

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